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C O N F I D E N T I A L SANTIAGO 000235

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TAGS: [PGOV](#) [PREL](#) [MARR](#) [MASS](#) [OVIP](#) [CI](#)
SUBJECT: DEFENSE MINISTER SHOWS NO FLEXIBILITY ON ARTICLE
98, SEEKS ALTERNATIVE RESOLUTION

REF: SANTIAGO 00130

Classified By: Ambassador Craig Kelly for reasons 1.4(b) and (d).

¶1. (C) Summary: On January 25, Chilean Minister of Defense Jaime Ravinet told DOD Assistant Secretary for International Security Affairs Peter Rodman that he did not see how the GOC could negotiate an Article 98 agreement of the kind we were seeking. Recognizing that sanctions under the American Servicemembers Protection Act (ASPA) would be triggered by Chile's impending ratification of the International Criminal Court (ICC), Ravinet said the impact of sanctions on Chile's defense capabilities would be negligible. However, Ravinet said the GOC was deeply concerned that ICC ratification could damage the overall U.S. - Chile bilateral relationship. Rodman urged Ravinet to remain flexible on the Article 98 question and to continue exploring different approaches as proposed by A/S Rademaker. End Summary.

¶2. (U) OSD A/S Rodman called on Chilean Minister of Defense Ravinet on January 25, during the January 24-25 Defense Consultative Committee talks in Santiago. A/S Rodman was accompanied by the Ambassador, DASD Pardo-Maurer, Southcom J-5 General Stearns, DATT, and MILG Commander. Ravinet was accompanied by Undersecretary for War Gaspar, Undersecretary for Aviation Parra, Undersecretary of the Navy Garcia, Chief of National Defense Admiral Huerta, and Advisor to the Undersecretary for War Ruz.

YES TO THE ICC, NO TO ARTICLE 98

¶3. (C) MOD Ravinet told A/S Rodman that the Chilean Congress would first pass a constitutional amendment allowing Chile to ratify the ICC soon after the Bachelet administration and new Congress take office on March 11. A vote on actual ratification might be 4 - 5 months down the road. Ravinet said he did not see how the GOC could negotiate a non-surrender agreement of the kind he thought we were seeking, because of likely strong Congressional opposition to such an agreement. Nor did he see a possibility for an executive agreement that bypassed Congress. Ravinet acknowledged this would trigger sanctions under ASPA, but noted the modest amounts of U.S. bilateral aid affected could be replaced by other potential donors.

PROTECTING THE RELATIONSHIP

¶4. (C) Ravinet went on to say, "What worries Chile is the future relationship with the U.S. once the (ICC) treaty is ratified." He expressed concern for what Chile sees as potentially increasing instability in the region, and said the U.S. and Chile should further strengthen their strategic

relationship. Ravinet said the GOC was working on a Status of Forces Agreement (SOFA) framework, which could be used as a model for Chile's mil-to-mil relations with several key countries. (Post note: Chile has no SOFA with any country.) The GOC was interested in concluding a long-term SOFA with the U.S. The Ambassador interjected that we warmly welcome a SOFA, but the SOFA and an Article 98 agreement were distinct, and that a SOFA would not resolve the Article 98 issue. A/S Rodman recommended to Ravinet that Chile not ratify the ICC before a solution to the Article 98 impasse was in place and urged him to consider the possible formulations put forward earlier by A/S Rademaker and to be flexible in his thinking. Rodman discouraged any Chilean assumption that some dues ex machine (i.e., MNNA status) would let Chile off the hook; the USG needed some progress on Article 98.

15. (C) Comment: Ravinet's statements reinforce the message transmitted by Chilean MFA Director General Carlos Portales in a digital video conference with Assistant Secretary of State Rademaker on January 18 (ref A): Chile is eager to avoid damage to the bilateral relationship from its impending ICC ratification, but is showing no flexibility at this point on an Article 98 agreement.

16. (U) This message was cleared by the Office of the Secretary of Defense.

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KELLY